

P-6
IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF UTAH, IN AND FOR UTAH COUNTY.
CASE NO. 2888.

Provo Reservoir Company, :
a corporation, :
Plaintiff, :

ANSWER

Counterclaim and Cross Complaint
of

VS

Provo City, et al, :
Defendants..:

: Knight Woolen Mills,

a corporation.

Now comes the said defendant Knight Woolen Mills,
and
a corporation, and by stipulation of counsel/by leave of
court, first had and obtained, answers the complaint of the
plaintiff herein, and admits, denies and alleges as follows:

1. This defendant admits the allegations in complaint
of plaintiff contained in paragraphs Nos. 1 to 27, both in-
clusive, and paragraph No. 37.

2. That this defendant has no knowledge, information
or belief sufficient to enable it to answer any or either of
the allegations in paragraph 28, 29, 29 (A), 29 (B), 29 (C),
29 (D), 29 (E), 30, 31, 32, 33, 38 and 39 of plaintiff's com-
plaint, and therefore it denies each and every allegation of
the same.

Further answering the complaint of the plaintiff and
by way of counterclaim ^{against the plaintiff and cross-complaint} against each and all of the defendants,
this defendant alleges and shows to the court.

1. This defendant adopts and alleges as a part of its
counterclaim against the plaintiff and as a cross complaint
as to each and all of the other defendants herein, each and
every allegations contained within paragraphs Nos. 1 to 26 both
inclusive, of plaintiff's complaint herein, the same as if here
set forth in full.

2. That this defendant is a corporation duly organized,
created and existing under the laws of the State of Utah, and
by its charter and by full compliance with the laws of the State

of Utah, is authorized and empowered among other things, to engage in the manufacture and disposition of woolen, cotton and other goods, to build, construct, acquire, own, hold, lease, operate and maintain power sites and power plants, reservoirs, canals, ditches, flumes, water and water rights for power and other purposes.

3. That in pursuance of its said powers and authority, it has acquired and is now the owners of Block 97, Plat A, Provo City Survey of Building Lots, in Provo City, Utah, and has constructed, installed and now/a woolen mill, fully equipped, at a cost of approximately \$500,000.00, and is now engaged in the operation of said woolen mills in the manufacture of woolen goods of various kinds and descriptions, and in selling and disposing of the same to jobbers, wholesale and retail merchants.

4. That in or about the year 1850 the predecessors in interest of this defendant, at great expense constructed a canal from Provo River near the mouth of Provo Canyon to its said lot 97, Plat A, in Provo City, and then appropriated of the unappropriated waters of Provo River, 75 second feet, by diverting the same into said canal, and its predecessors in interest and this defendant ever since/have used said water at its said block 97, in Provo City, for the purpose of developing hydraulic power for manufacturing goods, wears and merchandise, and that the use of said water is a necessary and beneficial use.

5. That in making said appropriation of the water of said river as aforesaid, this defendant and its predecessors in interest fully complied with all the requirements of the laws of the State of Utah, relative to the appropriation of water and ever since said appropriation, have continuously used the same for the beneficial purposes aforesaid economically and without waste.

6. That the right to distribute, manage and control said water and to supervise said canal used as aforesaid for

diverting the water of said river, has been for many years and is now with Provo City, a municipal corporation, one of the defendants herein, subject to the right, however, of this defendant, to the use of said water for the beneficial purposes aforesaid.


7. That the plaintiff and each of the other defendants herein as this defendant is enformed and believes, and therefore alleges the fact to be assert and set up some claim or interest adverse to the ownership, right, title and interest of this defendant to the use of the said water of said river in canals aforesaid and as claimed by this defendant herein, but this defendant has not sufficient knowledge or information to enable it to set forth herein the character or nature of said claims or interest so asserted and set up or any of them.

8. This defendant further alleges that the several claims or interest asserted and set up by the plaintiff and each of the other defendants, are wrongful, without right and unfounded in fact or law, and are a cloud upon this defendant's title and right to the use, possession, ownership and enjoyment to the water of said Provo River as herein set forth.

Wherefore, this defendant prays judgment that the plaintiff and each of the other defendants herein, may be required to set forth any and every adverse claim, interest or demand by them and each of them in and to the water of said Provo River ~~and the~~ right to the use thereof so claimed by this defendant to ~~the~~ fact that their several adverse claims, pretentions and demands may be adjudicated and declared null and void as against this defendant, and that the title, ownership and interest thereto of this defendant in and to the water of said river, so claimed by it as herein

set forth, may be quieted and confirmed as against the plaintiff and each and all of the other defendants herein, and that the interest, title and ownership of this defendant thereto as herein set forth may be adjudicated and decreed to be good and valid.

This defendant prays for such other and further relief in the premises as to the court may seem just and equitable and for its costs in this behalf expended.


Atty. for defendant, Knight Woolen
Mills, a corporation.

State of Utah :
County of Utah : SS

Jesse Knight being first duly sworn on oath says:
I am an officer of the Knight Woolen Mills, a corporation,
one of the defendants herein, to-wit: The President thereof.
That I have read the above the foregoing answer, counter-
claim and cross complaint and know the contents thereof.
That the same are true of my own knowledge except as to the
matters therein stated on information and belief, and as to
those matters I believe them to be true.

Jesse Knight

Subscribed and sworn to before me the 14
day of August, A. D. 1914.

E. Jensen
Notary Public



My commission expires April 13, 1915.

*I ne service admitted this 23rd day
of October 1914.*

*Jacob Hovans,
One of the attys for
Plaintiff.*

1000

Counterslain
Knight Woolen
mills

IN DIST. COURT
UTAH CO., UTAH,

* FILED *

OCT 26 1914

W. Robison Clerk.

Chas. Poylance Deputy.